IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 24251 of 2004

Between:

Mr. Shaik Basheed, S/o. Late Galeeb,
R/o. Pedakakani Village & Mandal, Guntur District.

..... PETITIONER

AND

1. The Chief Executive Officer, Andhra Pradesh State Wakf Board,
   Haz House, Nampally, Hyderabad.
2. The Chair Person, Andhra Pradesh State Wakf Board,
   Razzak Masjid, Haz House, Nampally, Hyderabad.
3. Mr. Shaik Ghouse Mohiuddin, S/o. Late Abdul Gaffar Saheb,
   R/o. Pedakakani Village and Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and issue a writ or order or direction more particularly one in the nature of Writ of Mandamus and declare the inaction of the respondent No.2 in considering the representation
dt.9-12-2004 of the petitioner as illegal, arbitrary and violative of Article 14 of the Constitution of India apart from being violation of the Principles of Natural Justice and consequently direct the 2nd respondent to consider the representation dt.9-12-2004 of the petitioner.

Counsel for the Petitioner: MR.T.LAKSHMI NARAYANA

Counsel for the Respondents Nos.1 and 2: MR.S.M.SUBHANI, SC for AP WAKF BOARD.

Counsel for the Respondent No.3: None appeared

The Court at the stage of admission made the following:

HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 24251 of 2004

ORDER:

The petitioner states that on the office of Mutawalli for the Dargah Hazrath Baji Saheeb Aulia at Peddakakani village, Guntur District, becoming vacant, the third respondent was appointed as Mutawalli by the first respondent. It is stated that the appointment was set aside by the Wakf Tribunal, and that the order of the Tribunal was upheld by the Supreme Court, leaving it open to the first respondent to appoint the third respondent by satisfying the term. The third respondent is said to have been appointed as Mutawalli for a term of two years and even that term had expired. According to the petitioner, the first respondent is taking steps to appoint a Mutawalli for Dargah and though he made a representation dated 09.12.2004, it is not being taken into account. He seeks appropriate directions in this respect.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 and 2.

3. The first respondent is vested with the power to appoint the Mutawallis

for the various Wakfs as well as the power to extend the term of office. The third respondent has already been appointed as a Mutawalli for the Dargah referred to above. On the expiry of the term, steps are being taken, to make fresh appointment. The petitioner claims to have submitted a representation dated 09.12.2004. The apprehension of the petitioner, that his representation would not be taken into account, does not appear to be well founded. Even in the absence of the representation, the first respondent has to take into account, the claims of various eligible individuals, keeping the interest of the Wakf, in view.

4. Hence, the Writ Petition is disposed of directing the respondents 1 and 2 to take into account the representation of the petitioner dated 09.12.2004, before making appointment to the office of the Mutawalli, for the Dargah referred to above. The petitioner shall enclose the copy of the representation along with the copy of this order.

L.NARASIMHA REDDY, J

27th December, 2004

SKM

To

1. The Chief Executive Officer, Andhra Pradesh State Wakf Board,
   Haz House, Nampally, Hyderabad.
2. The Chair Person, Andhra Pradesh State Wakf Board,
   Razzak Masjid, Haz House, Nampally, Hyderabad.
3. 2 C.D. copies.